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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/692,339

11/07/2003

Daniel Thomas Jones

1-24874

1978

4859

7590

06/27/2007

MACMILLAN SOBANSKI & TODD, LLC  
ONE MARITIME PLAZA FIFTH FLOOR  
720 WATER STREET  
TOLEDO, OH 43604-1619

EXAMINER

SIMONE, CATHERINE A

ART UNIT

PAPER NUMBER

1772

MAIL DATE

DELIVERY MODE

06/27/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/692,339

Applicant(s)

JONES, DANIEL THOMAS

Examiner

Catherine Simone

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/8/2007 has been entered.

### ***Withdrawn Rejections***

2. The 35 U.S.C. 102(b) rejection of claims 18-20 and 23-25 as being anticipated by Ness et al. of record in the Final Office Action mailed 3/8/2007, Pages 2-3, Paragraph #4 has been withdrawn due to the Applicant's amendment filed 6/8/2007.

3. The 35 U.S.C. 103(a) rejection of claims 1-8, 21 and 22 over Ness et al. in view of Rolston of record in the Final Office Action mailed 3/8/2007, Pages 3-5, Paragraph #6 has been withdrawn due to the Applicant's amendment filed 6/8/2007.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Asada et al. (US 5,104,718).

Asada et al. disclose a multi-layered molding material comprising a layer of a fibrous reinforcement material (one of the prepreg layers) and a layer of a reinforcement thermoset resin material (a second one of the prepreg layers) conjoined with the layer of fibrous reinforcement material (Fig. 1A and col. 2, lines 34-38), the layer of reinforcement thermoset resin material having an inherent tack that holds the fibrous reinforcement material in place (col. 2, line 31), the fibrous reinforcement material being at least partially dry with respect to the reinforcement thermoset resin, wherein the reinforcement thermoset resin material includes a venting structure (Figs. 1A and 1B) having venting channels (grooves). It is to be pointed out that the recitation “for conducting gases in directions both parallel to the plane of the fibrous reinforcement layer and perpendicular thereto to allow gases to pass out of the molding material via the fibrous reinforcement layer during processing to prevent entrapment of gases” is a recitation of the intended use of the claimed invention and it must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Regarding claim 2, note the fibrous reinforcement layer (one of the prepreg layers) comprises a further venting structure (grooves in Fig. 1A). It is to be pointed out that the recitation “for allowing gases to pass out of said molding material via the fibrous reinforcement layer during processing” is a recitation of the intended use of the claimed invention and it must result in a structural difference between the claimed invention and the prior art in order to

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patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Regarding claim 3, note in Fig. 1A the further venting structure (grooves) is formed by the fibrous reinforcement material (one of the prepreg layers).

Regarding claim 4, note the venting channels (grooves) vent interlaminar and/or intralaminar gases (col. 3, lines 1-7).

Regarding claim 5, note in Fig. 1A the venting channels (grooves) are defined between lengthwise extending strips of reinforcement thermoset resin material (a second one of the prepreg layers).

Regarding claim 6, note in Figs. 1A and 1B the thermoset resin layer (prepreg layer) is discontinuous, thereby forming the venting structure (grooves).

Regarding claim 7, note the fibrous reinforcement material (one of the prepreg layers) is unimpregnated by the thermoset resin material (a second one of the prepreg layers) or is at least partially unimpregnated by the thermoset resin material (a second one of the prepreg layers) to allow gases to pass out of the molding material (Fig. 1A and col. 3, lines 1-7 and 16-22).

Regarding claim 8, note the fibrous reinforcement material (prepreg layer) comprises a unidirectional reinforcement material (col. 2, lines 34-38) or a non-uniform fibrous reinforcement material (Figs. 1A and 1B).

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground of rejection, which has been presented above.

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*Conclusion*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Catherine Simone whose telephone number is (571) 272-1501.

The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on (571) 272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*CA2*

Catherine A. Simone  
Examiner  
Art Unit 1772  
June 21, 2007

*Nasser Ahmad* 6/25/07  
NASSER AHMAD  
PRIMARY EXAMINER